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January 31, 1992

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AUDIO SERVICES

File

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Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

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Re: Amendment to Application of Moonbeam, Inc. (File No. ARN-931115MG) for a New Commercial FM Broadcast Station at Calistoga, California

Federal Communications Commission  
Office of the Secretary

Dear Ms. Searcy:

Transmitted herewith, in triplicate, on behalf of Moonbeam, Inc., is an amendment to its application (FCC Form 301) for authority to construct a new commercial FM broadcast station at Calistoga, California. The file number of the application is referenced above.

Should further information be desired in connection with this amendment, kindly communicate directly with this office.

Very truly yours,

Lee W. Shubert

Enclosures (3)

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AMENDMENT

(FCC File No. 911115MG)

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Federal Communications Commission  
Office of the Secretary

AUDIO SERVICES

Please amend the pending application (FCC Form 301) of Moonbeam, Inc. (File No. 911115MG), for a construction permit for a new commercial FM Broadcast Station on FM Channel 265 at Calistoga, California, in the following respects:

RE: Anti-Drug Abuse Act. Associate the attached Certification Pursuant to §1.2002 of the Commission's Rules under the Anti-Drug Abuse Act of 1988, as Exhibit 4 of Moonbeam, Inc.'s pending application.

**CERTIFICATION**

I, the undersigned, hereby certify that the statements contained in this amendment are true, complete and correct, to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 28 day of January,  
1992.

**MOONBEAM, INC.**

By: Mary F. Constant

Mary F. Constant  
President

**CERTIFICATION PURSUANT TO § 1.2002 OF THE COMMISSION'S RULES**

**Anti-Drug Abuse Act of 1988**

PUBLIC LAW 100-690--NOV. 18, 1988

**Subtitle G—Denial of Federal Benefits to Drug Traffickers and Possessors.**

**SEC. 501. DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS.**

(a) **DRUG TRAFFICKERS.**—(1) Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substances (as such terms are defined for purposes of the Controlled Substances Act) shall—

(A) at the discretion of the court, upon the first conviction for such an offense be ineligible for any or all Federal benefits for up to 5 years after such conviction;

(B) at the discretion of the court, upon a second conviction for such an offense be ineligible for any or all Federal benefits for up to 10 years after such conviction; and

(C) upon a third or subsequent conviction for such an offense be permanently ineligible for all Federal benefits.

(2) The benefits which are denied under this subsection shall not include benefits relating to long-term drug treatment programs for addiction for any person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(b) **DRUG POSSESSORS.**—(1) Any individual who is convicted of any Federal or State offense involving the possession of a controlled substance (as such term is defined for purposes of the Controlled Substances Act) shall—

(A) upon the first conviction for such an offense and at the discretion of the court—

(i) be ineligible for any or all Federal benefits for up to one year;

(ii) be required to successfully complete an approved drug treatment program which includes periodic testing to insure that the individual remains drug free;

(iii) be required to perform appropriate community service; or

(iv) any combination of clauses (i), (ii), or (iii); and

(B) upon a second or subsequent conviction for such an offense be ineligible for all Federal benefits for up to 5 years after such conviction as determined by the court. The court shall continue to have the discretion in subparagraph (A) above. In imposing penalties and conditions under subparagraph (A), the court may require that the completion of the conditions imposed by clause (ii) or (iii) be a requirement for the reinstatement of benefits under clause (i).

(2) The penalties and conditions which may be imposed under this subsection shall be waived in the case of a person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(c) **SUSPENSION OR PERIOD OF INELIGIBILITY.**—The period of ineligibility referred to in subsections (a) and (b) shall be suspended if the individual—

(A) completes a supervised drug rehabilitation program after becoming ineligible under this section;

(B) has otherwise been rehabilitated; or

(C) has made a good faith effort to gain admission to a supervised drug rehabilitation program, but is unable to do so because of inaccessibility or unavailability of such a program, or the inability of the individual to pay for such a program.

(d) **DEFINITIONS.**—As used in this section—

(1) the term "Federal benefit"—

(A) means the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

(2) the term "veterans benefit" means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

(e) **INAPPLICABILITY OF THIS SECTION TO GOVERNMENT WITNESSES.**—The penalties provided by this section shall not apply to any individual who cooperates or testifies with the Government in the prosecution of a Federal or State offense or who is in a Government witness protection program.

(f) **INDIAN PROVISION.**—Nothing in this section shall be construed to affect the obligation of the United States to any Indian or Indian tribe arising out of any treaty, statute, Executive order, or the trust responsibility of the United States owing to such Indian or Indian tribe. Nothing in this subsection shall exempt any individual Indian from the sanctions provided for in this section, provided that no individual Indian shall be denied any benefit under Federal Indian programs comparable to those described in subsection (d)(1)(B) or (d)(2) above.

(g) **PRESIDENTIAL REPORT.**—(1) On or before May 1, 1989, the President shall transmit to the Congress a report—

(A) delineating the role of State courts in implementing this section;

(B) describing the manner in which Federal agencies will implement and enforce the requirements of this section;

(C) detailing the means by which Federal and State agencies, courts, and law enforcement agencies will exchange and share the data and information necessary to implement and enforce the withholding of Federal benefits; and

(D) recommending any modifications to improve the administration of this section or otherwise achieve the goal of discouraging the trafficking and possession of controlled substances.

(2) No later than September 1, 1989, the Congress shall consider the report of the President and enact such changes as it deems appropriate to further the goals of this section.

(h) **EFFECTIVE DATE.**—The denial of Federal benefits set forth in this section shall take effect for convictions occurring after September 1, 1988.

§§ 1.2091 and 1.2002 of the Commission's Rules

Subpart P—Implement of the Anti-  
Drug Abuse Act of 1988.

§ 1.2091 Purpose.

Anti-Drug Abuse Act of 1988, 21 U.S.C.  
853a. If a section 5301 certification has  
been incorporated into the EOC.

(b) A party to the application, as used  
in paragraph (a) of this section shall